

**Harpswell Conservation Commission
Minutes
February 12, 2016**

Opened Meeting: 1:00 PM.

Roll Call: Mary Ann Nahf, Deirdre Strachan, Sue Vachon, Burr Taylor, Paul Ciesielski, Wendy Batson. **Absent:** Ann Nemrow and Anne Perry

Specially called meeting:

The Harpswell Conservation Commission held a specially called meeting to discuss how best to proceed with the proposed Outdoor Pesticides Control and Fertilizer Use Ordinance given the issues raised at the February 10th Public Hearing on the ordinance. Mary Ann Nahf briefly summarized the concerns raised by Modern Pest Control at the hearing about new rules regarding application of banned pesticides outside the 250' Shoreland zone. A copy of the letter from Modern Pest Control's M. Peasley outlining those concerns was sent out to members of the Commission before today's meeting. Before attempting to address these concerns, clarity was sought as to the rules regarding changes to draft ordinances prior to submitting them to the Selectmen for inclusion in the Warrant for the upcoming March 2016 Town Meeting.

Consultant town planner Mark Eyerman assured Commission members that they could make any changes deemed necessary without holding additional public hearings. The final revisions have only to be sent to the Selectmen after review by the town counselor.

Revisions to the Ordinance

Members then reviewed the clause on page 3 that was included in the January 25th, 2016 version but accidentally removed in a version prepared subsequently. Mary Ann Nahf moved that the clause "other application methods will not be restricted if applied by a licensed applicator" be reinserted into the draft Ordinance. The motion was seconded by Sue Vachon and passed by a vote of six to zero.

Mary Ann Nahf also moved that the sentence "Other application methods will not be restricted if applied by a Licensed Applicator" be reinserted on the Section 11 Table on page 5 of the draft ordinance. Sue Vachon seconded the motion, which passed by a vote of six to zero.

Mary Ann Nahf moved that the word "thereby" be substituted for "by" on page 2 under Section 2. Definitions – Insect Growth Regulator. The motion was seconded by Wendy Batson and the commission accepted the change by a vote of six to zero.

Finally, Mary Ann Nahf moved that the clause "Insect Growth Regulator (IGR)" be removed from the sentence in Section 3. A) ii. The sentence will read ii) the aerial spraying of any Insecticide whose product label indicates that it is harmful to aquatic invertebrates." The motion was seconded by Deirdre Strachan and unanimously passed by a vote of six.

Inclusion of a Waiver

The Commission then discussed the pros and cons of including a process in the ordinance that would permit a licensed applicator to apply for a waiver to use the pesticides banned under the ordinance in certain circumstances. Members expressed the opinion that such a waiver process could broaden support for the Ordinance at the Town Meeting and would provide over time additional information on the kinds of situations that led to applications for a waiver as well as data on the products to be used.

Members read over the language used in the Town of Ogunquit's Ordinance and agreed that with minor changes the language was well suited for use in Harpswell.

Deirdre Strachan thus proposed the following language:

A waiver may be solicited by a licensed applicator from the Codes Officer. The Code Enforcement Officer may recommend a thirty (30) day waiver to the Board of Selectmen for their approval. Waiver approval shall be subject to the use of the least toxic material available. The Selectmen may solicit advice from the Conservation Commission.

Mary Ann Nahf moved to submit the Outdoor Pesticides Control and Fertilizer Use Ordinance with the changes voted on above and the addition of a section on the waiver. Deirdre Strachan seconded the motion, which was unanimously passed by the six attending Commission members.

Members agreed that Mary Ann Nahf will share the revisions with the Codes Officer, the Town Counselor and with the Selectmen. If the Ordinance is accepted at the Town Meeting, the Commission will develop a waiver application form which will be available on line and in the Codes Office.

Adjourned: 2:10 PM.

Next Meetings: February 17, March 2 at 3:00 PM.

Scribe: Wendy Batson